

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SALVADOR SANTIAGO,
Petitioner,

v.
JEFFREY BEARD, Commissioner,
Pennsylvania Department of Corrections,
et al.

Respondents.

CIVIL ACTION NO. 04-1669

MEMORANDUM ORDER

On February 11, 2009, this Court issued an Order (Doc. No. 69) granting Petitioner's *Motion for Order of Production of Pennsylvania Department of Corrections Records* (Doc. No. 66). In the Order, the Court directed the Pennsylvania Department of Corrections (the "DOC") to make available to Petitioner's counsel and to counsel for Respondents all medical, mental health and general records for Petitioner.

On March 12, 2009, Randall N. Sears, Deputy Chief Counsel for the DOC, sent a letter to the Court, which is attached hereto. Mr. Sears explains that he has reviewed the DOC's records in order to comply with the Court's February 11, 2009 Order and has learned that Petitioner was subject to three admissions pursuant to Pennsylvania's Mental Health Procedures Act (the "Act"), 50 PA.STAT.ANN. § 7101-7116. According to Mr. Sears, the records pertaining to those admissions are confidential under the Act, 50 PA.STAT.ANN. § 7111, and he thus requests clarification as to whether Petitioner has waived the Act's confidentiality provisions.

Before providing Mr. Sears with a response, Petitioner and then (if necessary) Respondents shall set forth their position on the record regarding waiver. It is therefore **ORDERED** that on or before April 1, 2009, Petitioner shall file a submission with the Court

addressing the waiver issue.

Date: March 19, 2009

/s/ Joy Flowers Conti

Joy Flowers Conti

United States District Court Judge

Western District of Pennsylvania

cc: All counsel of record by CM/ECF and

By U.S. Mail to:

Randall N. Sears

Deputy Chief Counsel

Pennsylvania Department of Corrections

Governor's Office of General Counsel

55 Utley Drive

Camp Hill, PA 17011